

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

REBECCA SMITH, :
Plaintiff, :
v. : Case No. 3:16-cv-463
GOLDBERG & STEIN : JUDGE WALTER H. RICE
ASSOCIATES, LLC, *et al.*, :
Defendants. :

ORDER DISMISSING WITHOUT PREJUDICE ALL CLAIMS AGAINST
DEFENDANT NORTH SOUTH MANAGEMENT GROUP, LLC;
JUDGMENT TO ENTER ACCORDINGLY; TERMINATION ENTRY

Plaintiff, Rebecca Smith, filed suit against Goldberg & Stein Associates, LLC, Christian Johnson, North South Management Group, LLC, and Marcellus Horton, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* The parties later stipulated to dismissal of all claims against Goldberg & Stein Associates, LLC, and Christian Johnson. Doc. #9.

The Clerk entered default against Marcellus Horton, Doc. #11, and, on March 30, 2017, the Court issued default judgment against Horton in the amount of \$84,312.50 plus costs and interest, and enjoined Horton from certain debt collection activities in the State of Ohio. Doc. #14.

This left only the claims against North South Management Group, LLC. On June 19, 2017, the Court ordered Plaintiff to show cause within 10 days why the

action should not be dismissed, given Plaintiff's failure to effect service of process on North South Management Group, LLC, within the time allotted. Doc. #15.

On June 22, 2017, Plaintiff filed a "Request for Clarification of Court's Order." Doc. #16. She admitted that she had been unable to effect service on North South Management Group, LLC, and stated that she was unopposed to dismissal without prejudice of claims against that Defendant. Plaintiff noted, however, that the Court had previously entered default judgment against Marcellus Horton. She sought assurance that dismissing claims against North South Management Group, LLC, would have no adverse effect on that valid judgment.

Given Plaintiff's failure to effect timely service of process on Defendant North South Management Group, LLC, the Court DISMISSES WITHOUT PREJUDICE all claims against that Defendant. See Fed. R. Civ. P. 4(m). Judgment shall be entered accordingly. Plaintiff is correct that dismissal of the claims against North South Management Group, LLC, will not affect the validity of the judgment previously entered against Marcellus Horton.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: July 11, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE